

MICHAEL L. SCOTT (CSBN 165452)
LIDIA SPIROFF (CSBN 222253)
E. KATE PATCHEN (NYRegN 4104634)
Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660

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Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	No. CR 05 0036 VRW
)	
v.)	INFORMATION
)	
DUPONT DOW ELASTOMERS L.L.C.,)	VIOLATION:
)	Title 15, United States Code,
Defendant.)	Section 1 (Price Fixing)
)	
)	San Francisco Venue

The United States of America, acting through its attorneys, charges:

I.

DESCRIPTION OF THE OFFENSE

1. DUPONT DOW ELASTOMERS L.L.C. is made a defendant on the charge stated below.

2. Beginning in or about August 1999 and continuing until in or about April 2002, defendant and co-conspirators participated in a combination and conspiracy to suppress and eliminate competition by fixing the price of polychloroprene rubber sold in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial term of which was to suppress and eliminate competition by fixing the price of polychloroprene rubber in the United States and elsewhere.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) participating in conversations and meetings to discuss prices of polychloroprene rubber to be sold in the United States and elsewhere;
- (b) agreeing, during those conversations and meetings, to fix prices of polychloroprene rubber to be sold in the United States and elsewhere;
- (c) participating in conversations and attending meetings concerning implementation of and adherence to the agreements reached;
- (d) issuing price announcements and price quotations in accordance with the agreements reached; and
- (e) exchanging information on the sale of polychloroprene rubber in the United States and elsewhere.

II.

DEFENDANT AND CO-CONSPIRATORS

5. The defendant is an entity organized and existing under the laws of Delaware, with its principal place of business in Wilmington, Delaware. During the period covered by this Information, the defendant engaged in the business of producing and selling polychloroprene rubber in the United States and elsewhere.

6. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance of it.

7. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

TRADE AND COMMERCE

8. Polychloroprene rubber, also known as “chloroprene rubber,” “polychloroprene,” “PCP,” or “neoprene,” is a specific type of synthetic rubber which has end-use applications in the automotive, adhesives, and construction industries.

9. During the period covered by this Information, the defendant and co-conspirators manufactured, sold, and distributed polychloroprene rubber in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the defendant and co-conspirators produced polychloroprene rubber.

10. The business activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

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2 IV.

3 JURISDICTION AND VENUE

4 11. The combination and conspiracy charged in this Information was carried out, in
5 part, in the Northern District of California within the five years preceding the filing of this
6 Information.

7 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

8 Dated: January 17, 2005

9
10 _____/s/_____
11 R. Hewitt Pate
12 Assistant Attorney General

_____/s/_____
Phillip H. Warren
Chief, San Francisco Office

13
14 _____/s/_____
15 Scott D. Hammond
16 Acting Deputy Assistant Attorney General

_____/s/_____
Marc Siegel
Assistant Chief, San Francisco Office

17 United States Department of Justice
18 Antitrust Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

_____/s/_____
19 Michael L. Scott
20 Lidia Spiroff
E. Kate Patchen
Attorneys

21
22 _____/s/_____
23 Kevin V. Ryan
24 United States Attorney
25 Northern District of California

United States Department of Justice
Antitrust Division
450 Golden Gate Avenue
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(415) 436-6660